

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1131 of 2022

Arising Out of PS. Case No.-556 Year-2019 Thana- MASAUDHI District- Patna

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1. SHIV KUMAR SHARMA Son of Late Rameshwar Prasad Sharma R/o village - Saguni, P.O.- Rewn, P.S.- Masaurhi, District - Patna
 2. Munti Kumar @ Funti Kumar Son of Shiv Kumar Sharma R/o village - Saguni, P.O.- Rewn, P.S.- Masaurhi, District – Patna ... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Government of Bihar, Old Secretariat, Patna - 1
 2. Savitri Devi Wife of Krishna Prasad R/o village - Daudpur, P.S.- Masaurhi, District – Patna ... Respondents
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Appearance :

For the Petitioners : Mr.V.K. Sinha, Adv.
For the Respondents : Mr.Divya Verma, AC to AAG III

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-05-2023 Counsel for the petitioners is directed to remove the defect(s) within two weeks.

Heard learned counsel for the petitioners and the State.

The present writ petition has been filed for quashing of the first information report bearing Masaurhi P.S. Case No. 556 of 2019, dated 23.07.2019, lodged under Sections 147, 149, 341, 323, 504, 506 and 354(B) of the Indian Penal Code.

Counsel for the petitioners submits that the basic fact of the case is that the informant and her daughters were moving on the lands of their ancestors bearing khata no. 7, plot no. 146, mauza Tarpura, measuring 4.69 acres itself is wrong. Counsel submits that this case has been filed only with a view to teach



lesson to the petitioners. He submits that from the very beginning the family of the petitioners and informant are in litigating terms and series of orders passed from the Courts of competent jurisdiction in favour of the petitioners, therefore, the first information report should be quashed and the petitioners must not be unnecessarily harassed.

Counsel for the petitioners further submits that two days earlier one criminal case has been filed by the brother of the petitioners in which investigation is going on and just after two days this first information report under challenge has been filed to overcome the effect of the earlier first information report filed by the petitioners.

Counsel for the State submits that the first information reports are in two parts, the first is showing the title on land and the second is the occurrence which took place on the said date, which requires investigation.

After hearing both the parties and going through the records the Court is of the view that there are allegations in the first information report which is subject to investigation and, therefore, not inclined to grant any relief particularly quashing of the first information report.

This writ petition is **disposed off** with liberty to the



petitioners to represent before the Senior Superintendent of Police, Patna, in the light of the order passed by the coordinate Bench in Cr.W.J.C. No. 153 of 2017 (Surendra Singh Vrs. State of Bihar & Ors.) and analogous cases decided on 09.09.2022 within four weeks from today through their Lawyer and the Senior Superintendent of Police is directed to do the needful in accordance the directions given in the above mentioned case.

(Dr. Anshuman, J)

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